

REMARKS

Applicant gratefully acknowledges the Examiner's comments in the outstanding Office Action. Moreover, Applicant's attorney expresses his appreciation for the telephone conference with the Examiner on August 29, 2002. A request for a three-(3) month Extension of Time under 37 C.F.R. 1.136(a) to respond to the outstanding Office Action is being included herewith along with the appropriate fee. In the outstanding Office Action, the Examiner rejected claims 1-2, 4-10, 18 and 21-22 under 35 USC 102 as being anticipated by Hardy, and further rejected claims 3, 11-17 and 19 under 35 USC 103 as being obvious over Hardy in view of Hubbard along with Delk. Applicant traverses these rejections as they apply to the now amended claims.

The Examiner stated that Hardy discloses a therapeutic wrap made up of a sheet of disposable and reusable material 7 and furthermore that the wrap material is latex free simply because it is of a woven cloth. However, there is nothing in Hardy that discloses or even suggests that the material of the wrap disclosed therein is latex-free. In fact, Hardy suggests just the opposite. In Column 4, lines 14-17, Hardy discloses that the layer 15 of its wrap device may in fact be made from natural or synthetic rubbers, which is directly opposite that of the "latex-free" claim limitation of the now amended claims of the present application (see page 8, lines 21-23 of the subject application). Moreover, the material itself of the present invention is pliant or capable of elongation, while the flexibility or elongation of the Hardy device comes from a fold or quilting structure of the device, not inherent from the material itself (see Hardy, column 5, lines 27-

33). Finally, there is nothing in Hardy to even suggest that the device thereof is usable both as a disposable as well as a reusable structure. Column 4, lines 22-24 clearly indicate that the device of Hardy is to be washed and reused. The present invention is a disposable device which is also capable of being reused if one so chooses. This feature is not indicated in any of the references.

The references to Hubbard and Delk are also devoid of any suggestion that the wraps thereof be both disposable as well as reusable as desired by the user thereof and as specifically claimed in the amended claims. Moreover, the limitations of the strip material of the amended claims as being latex-free and inherently flexible are also neither disclosed nor suggested by either Hubbard or Delk.

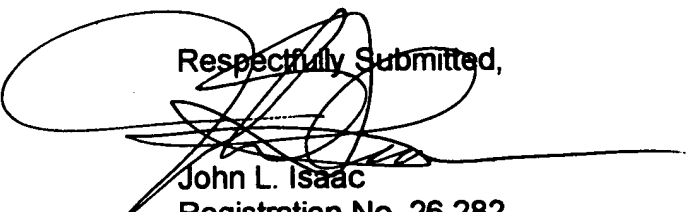
Finally, all of the independent claims of the present application have now been amended to require that the elongated strip material of the present invention wrap be selectively severable along its length without unraveling at the severed or cut end portion so that the wrap may be sized as needed. This is a distinct advantage of the present invention as clearly discussed on page 9, lines 2-4 and page 11, lines 2-6 of the subject application. Neither Hardy nor any of the other cited references disclose nor even suggest such a feature. In fact, such a feature would be impossible to include in these devices given their nature and construction as disclosed and illustrated therein. Should any of the referenced devices be so severed to adjust their lengths, they would become inoperative for the purpose for which they were designed.

Given the above-described distinctions and differences between independent claims 1, 11 and 18, as now amended, and the references to Hardy,

Hubbard and Delk, Applicant contends that these claims as amended are in fact clearly patentable under both 35 USC 102 and 103.

Accordingly, Applicant believes that claims 1, 11, 13 and 18, as amended, and the remaining claims dependent thereon are patentable over the cited references, and Applicant respectfully requests reconsideration of the subject application and allowance thereof.

Respectfully Submitted,


John L. Isaac
Registration No. 26,282
Attorney for Applicant

Date:



John L. Isaac, Esq.
Isaac & Associates
143 Union Blvd., Suite 900
Lakewood, Colorado 80228-1829
Telephone: 720-962-9300
Fax: 720-962-9361
Email: john@isaaclaw.com